

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARIA DETWILER, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

T-MOBILE USA, INC., a Delaware  
corporation,

Defendant.

No. C07-2090 RAJ

**CLASS ACTION**

**ARBITRATION STATUS REPORT**

Pursuant to the May 2, 2008 Order of the Court, plaintiff Maria Detwiler (“Plaintiff”) submits the following Arbitration Status Report to the Court:

On July 1, 2008, Plaintiff filed a Petition for Writ of Mandamus (“Writ Petition”) with the Ninth Circuit Court of Appeals seeking review of the Court’s May 2, 2008 Order staying the litigation and compelling the parties to arbitration (Appeals Court Case No. 08-72823). On September 15, 2008, The United States Court of Appeals for the Ninth Circuit issued an Order stating that Plaintiff’s “petition for a writ of mandamus raises issues that warrant a response” and requesting that defendant T-Mobile USA, Inc. (“T-Mobile”) file a response to Plaintiff’s Writ Petition within 14 days of the date of the Order.

///

1 On September 29, 2008, T-Mobile filed its Response to Petition for Writ of  
2 Mandamus with the Ninth Circuit Court of Appeals. On October 7, 2008, Plaintiff submitted  
3 a reply brief in further support of the Writ Petition. On December 12, 2008, the Ninth Circuit  
4 denied Plaintiff's Writ Petition, without oral argument.

5 Based upon the decision of the Ninth Circuit Court of Appeals Plaintiff is presently  
6 evaluating whether to arbitrate her claims or to dismiss the action.

7 Dated this 30th day of December, 2008, at Santa Barbara, California.

8 ARIAS OZZELLO & GIGNAC<sup>LLP</sup>

9 By: /s/ J. Paul Gignac  
10 J. Paul Gignac, *Pro Hac Vice*  
Arias Ozzello & Gignac<sup>LLP</sup>  
4050 Calle Real, Suite 130  
11 Santa Barbara, CA 93110  
Phone: (805) 683-7400  
12 Fax: (805) 683-7401  
j.paul@aogllp.com

13  
14 Murray Lewis, WSBA #13307  
Lewis Law Firm  
3412 South Jackson Street  
15 Seattle, Washington 98114  
Office: (206) 714-2113  
16 Fax: (206) 223-7009  
lewislawseattle@yahoo.com

17  
18 Michael W. Sobol, *Pro Hac Vice*  
msobol@lchb.com  
19 Barbra L. Williams, *Pro Hac Vice*  
bwilliams@lchb.com  
20 Lieff, Cabraser, Heimann & Bernstein LLP  
Embarcadero Center West  
21 275 Battery Street, 30th Floor  
22 San Francisco, CA 94111-3339  
Phone: 415.956-1000  
23 Fax: 415-956-1008

24 Peter J. Bezek, WSBA #7900  
pbezek@foleybezek.com  
25 Robert A. Curtis, *Pro Hac Vice*  
rcurtis@foleybezek.com  
26

Foley Bezek Behle & Curtis, LLP  
15 West Carrillo Street  
Santa Barbara, California 93101  
Telephone: (805) 962-9495  
Facsimile: (805) 962-0722

Attorneys for Plaintiff

**Certificate of Service:**

I certify that I caused the foregoing document to be electronically filed using the CM/ECF system which will send notification of such filing to the following:

lewislawseattle@yahoo.com	rcurtis@foleybezek.com
sawj@stokeslaw.com	pbezek@foleybezek.com
kah@stokeslaw.com	j.paul@aogllp.com
msobol@lchb.com	steve@hbsslw.com
bwilliams@lchb.com	smh@stokeslaw.com

Dated this 30th day of December, 2008, at Santa Barbara, California.

By: /s/ J. Paul Gignac